

Appl. No. 09/991,501
Reply to Office Action of September 22, 2003

REMARKS

This is a full and timely response to the final Office Action mailed on September 22, 2003 by the United States Patent and Trademark Office (Paper No. 0903).

Claims 1-2, 4-6 and 8-16 remain pending in the application, with claims 1, 8 and 9 being independent claims. The examiner has allowed claims 1, 2, 4-6 and 8 and has acknowledged that claims 11-13, 15 and 16 are directed to allowable subject matter. No new matter is believed to have been added. Reconsideration is respectfully requested in light of the foregoing amendments and the following remarks.

I. CLAIM REJECTION UNDER 35 USC § 112

Claims 5 and 9 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner alleges that "substantially" is vague and indefinite. Although the Applicants disagree with Examiner's characterization of "substantially", the Applicants have amended claims 5 and 9 to omit "substantially". Thus, amended Claims 5 and 9 are now in allowable form and reconsideration and withdrawal of the instant rejection is respectfully requested.

II. CLAIM REJECTION UNDER 35 USC § 103

Claims 9, 10 and 14 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over U.S. Patent No. 5,587,616 (Johnsen) in view of U.S. Patent Appn. No. 2002/0063482 (Leslie). Although Applicants disagree that the cited references disclose the features of claims 9, 10 and 14, Applicants have amended claim 9 to incorporate the features of allowed claim 11, for the sake of moving the prosecution of this application forward. Because claim 9 now recites the features of allowed claim 11, claim 9 is now allowable. Claims 10 and 14 both depend from amended claim 9, and should also thus be allowable. Therefore, it is submitted that § 103 rejection has been overcome and withdrawal of this rejection is respectfully solicited.

Appl. No. 09/991,501
Reply to Office Action of September 22, 2003

III. CLAIM OBJECTIONS

The Examiner objected to claims 11, 12, 13, 15 and 16 as being dependent upon a rejected base claim, but that the claims would be allowable if rewritten in independent form. As mentioned above, Applicants have amended independent claim 9 to incorporate the features of allowed claim 11, thus, claim 9 is now allowable. Claims 10-16 depend from claim 9 and thus are also allowable. Therefore, Applicants respectfully submit that the Examiner's objections to claims 11, 12, 13, 15 and 16 have now been overcome.

CONCLUSION

In view of Applicant's amendments and remarks, it is respectfully submitted that Examiner's rejections under 35 USC § 112 and 103 and objections, have been overcome. Accordingly, Applicants respectfully submit that the application, as amended, is now in condition for allowance, and such allowance is therefore earnestly requested.

The other art of record is also not understood to disclose or suggest the inventive concept of the present invention as defined by the claims.

Hence, Applicants submit that the present application is in condition for allowance. Favorable reconsideration and withdrawal of the rejections and objections set forth in the above-noted Office Action, and an early Notice of Allowance are requested.

This Amendment was not earlier presented because Applicants earnestly believed the prior Amendment placed the subject application in condition for allowance. Accordingly, entry of this Amendment Pursuant to 37 C.F.R. § 1.116 is respectfully requested.

Moreover, entry and consideration of this Amendment are proper under 37 C.F.R. § 1.116 for at least the following reasons. The Amendment overcomes all of the rejections and objections set forth in the above-noted Office Action. The present Amendment places the application in better form for appeal, which Applicants fully intend to pursue if necessary. The present Amendment does not raise new issues requiring further search or consideration. Therefore, entry and consideration of the present Amendment are proper under 37 C.F.R. § 1.116 and are hereby requested.

If for some reason Applicants have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent abandonment on this

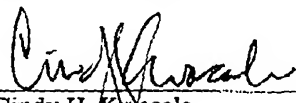
Appl. No. 09/991,501
Reply to Office Action of September 22, 2003

application, please consider this as a request for an extension for the required time period and/or authorization to charge Deposit Account No. 50-2091 for any fee which may be due. Should the Examiner have any questions or wish to further discuss this application, Applicants request that the Examiner contact the Applicants attorneys at the below-listed number.

Respectfully submitted,

INGRASSIA FISHER & LORENZ

Dated: 11/19, 2003

By: 
Cindy H. Kwacala
Reg. No. 47,667
(480) 385-5060